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**Attorneys for Defendant Nevada Bell
Telephone Company**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

STEVEN RIDENOUR,
Plaintiff,

v.

NEVADA BELL TELEPHONE CO.
DBA AT&T NEVADA,
Defendant.

Case No.: 3:22-cv-00004

**EX PARTE MOTION FOR
EXTENSION OF TIME TO FILE
RESPONSE TO PLAINTIFF'S
AMENDED COMPLAINT
(FIRST REQUEST)**

Pursuant to FED. R. CIV. P. 6(b)(1)(A), Defendant Nevada Bell Telephone Company (hereafter referred to as "Nevada Bell" or "Defendant"), through its undersigned attorneys, hereby requests a two-week (14 day) extension of time to file an answer or other response to Plaintiff Steven Ridenour's Amended Complaint and Jury Demand ("Amended Complaint") (filed September 6, 2022) with a new requested deadline of **October 4, 2022**. This is Defendants' second overall request

for an extension of time, and the first request for an extension of time to answer or otherwise respond to the Amended Complaint.

A. Certificate of Conferral

On September 15, 2022, undersigned counsel attempted to confer with Plaintiff, who is *pro se*, via telephone/voicemail and email, regarding the subject matter of this Motion. Plaintiff did not respond to the September 15, 2022 voicemail or email. Undersigned counsel again attempted to confer with Plaintiff regarding the subject matter of this Motion on September 16, 2022, via telephone/voicemail. Plaintiff did not respond to the September 16, 2022 voicemail. Thus, Defendant is unaware if Plaintiff opposes or does not oppose the relief requested by Defendant in this Motion, and is therefore filing the present Motion *ex parte* for good cause.

B. Background

1. On August 5, 2022, the Court granted the Defendant's Motion to Dismiss [ECF No. 24] the Complaint filed by Plaintiff Steven Ridenour ("Plaintiff"), but granted Plaintiff leave to amend his original Complaint to amend his fraud claim and possibly articulate a retaliation claim under federal or Nevada law. [ECF No. 38].

2. On September 6, 2022, Plaintiff filed an Amended Complaint alleging retaliation under NEV. REV. STAT. § 613.340 and fraud against the Defendant. [ECF 39].

C. Defendant Requests an Extension of Time To File An Answer or Other Responsive Pleading

1. Federal Rule of Civil Procedure 6 permits the Court, for good cause, to extend the time for Defendants to file an answer or other responsive pleading "with or without motion or notice... if a request is made, before the original time or its extension expires." FED. R. CIV. P. 6(b)(1)(A); *see also Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1258-59 (9th Cir. 2010) ("[Rule 6], like all the Federal Rules of Civil Procedure, '[is] to be liberally construed to effectuate the general

purpose of seeing that cases are tried on the merits.’ ... Consequently, requests for extensions of time made before the applicable deadline has passed should ‘normally . . . be granted in the absence of bad faith . . . or prejudice to the adverse party.’” (citing 4B Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1165 (3d ed. 2004)); Gurvey v. Legend Films, Inc., No. 3:09-cv-00942 AJB (BGS), 2012 WL 4061773, at *5 (S.D. Cal. Sep. 14, 2012) (Ex parte applications for extensions of time are appropriate if the prescribed time period has not yet expired and if the party can show good cause).

2. The current deadline for Defendant to file a responsive pleading is **September 20, 2022**. As such, the present Motion is timely as it is being brought to the Court prior to that deadline.

3. Defendants have good cause for the relief requested herein. In his Amended Complaint, Plaintiff has attempted to plead a claim of retaliation (with five (5) different primary allegations) and eight (8) new allegations of fraud in the Amended Complaint. Defendant and its counsel need additional time to properly investigate the allegations and develop Defendant’s answer or responsive pleading to the claims and allegations.

4. Plaintiff shall not be prejudiced if the Court grants Defendant’s requested relief. A discovery plan in this case is not set, no substantive discovery has occurred, and a date for trial has not been set by the Court.

5. Additionally, Defendant’s lead counsel in the case is out of the office until Wednesday, September 21, 2022, speaking at a pre-planned legal conference. Thus, due to counsel’s current litigation calendar, coupled with the need to gather more information related to Plaintiff’s allegations and claims, Defendant will be unable to file the answer or responsive pleading by the current September 20, 2022 deadline.

6. Defendants make this request in good faith and not for the purposes of delay.

1 **D. Prayer for Relief**

2 WHEREFORE, Defendant Nevada Bell respectfully requests a two (2) week
3 (14 day) extension of time to file an answer or other response to Plaintiff's Amended
4 Complaint. If this Motion is granted, Defendant's deadline to file an answer or other
5 response to Plaintiff's Amended Complaint will be **October 4, 2022**.

6 Dated: September 19, 2022.

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8 Respectfully submitted,

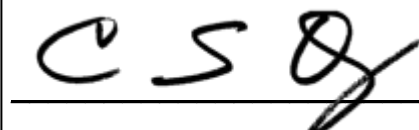
9 /s/ Stacey A. Campbell

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19 ***Attorneys for Defendant Nevada Bell***
20 ***Telephone Co.***

21
22 IT IS SO ORDERED:

23 
24 _____

25 UNITED STATES MAGISTRATE JUDGE

26 DATED: September 20, 2022
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